

RECEIVED  
GENERAL COUNSEL

SEP 24 2004

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

**ALSTON & BIRD LLP**

101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
704-444-1000  
Fax: 704-444-1111

**TELECOPY****PLEASE DELIVER AS SOON AS POSSIBLE****Date:**

September 24, 2004

**Recipient:**

Examiner Ruth A. Davis

**Company:**U.S. PATENT & TRADEMARK  
OFFICE**Fax Number:**

(703) 872-9306

**Voice Number:****Sender:**

Raymond O. Linker, Jr.

**Message:**

Application No. 09/700,687

**OFFICIAL AFTER FINAL RESPONSE**

Number of Pages: (including cover page) 11

**IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT .**

USER CODE: LINKR	REQUESTED BY: Jan Sherrill - 1163
CLIENT/MATTER: 033339/206076	OPERATOR:

Alston&amp;Bird

RECEIVED  
CENTRAL FAX CENTER

SEP 24 2004

RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED  
PROCEDURE - EXAMINING GROUP 1651

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/700,687 Confirmation No.: 8151  
Applicant(s): Benbadis  
Filed: February 14, 2001  
Art Unit: 1651  
Examiner: Ruth A. Davis  
Title: MUTANT LACTOBACILLUS BULGARICUS STRAINS FREE FROM  
BETA-GALACTOSIDE ACTIVITY

Docket No.: 033339/206076  
Customer No.: 00826

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT AFTER FINAL

Sir:

In response to the Office Action dated August 10, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.